

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,)	
Plaintiff)	
)	
v.)	C.A. NO. 12-cv-30111-MAP
)	
SHATZ, SCHWARTZ AND)	
FENTIN, P.C.,)	
Defendants)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION WITH REGARD TO
DEFENDANT'S MOTION TO DISMISS
(Dkt. Nos. 9 & 23)

February 28, 2013

PONSOR, U.S.D.J.

Plaintiff, proceeding pro se, filed a complaint alleging negligence and malpractice during his bankruptcy proceedings. Defendant filed a Motion to Dismiss, arguing that Plaintiff had failed to state a claim upon which relief may be granted. See Dkt. No. 9. This motion was referred to Magistrate Judge Kenneth P. Neiman for a Report and Recommendation.

On December 14, 2012, Judge Neiman issued his Report and Recommendation, carefully reviewing Defendant's and Plaintiff's arguments. In the end, Judge Neiman found Defendant's arguments to be meritorious and recommended that the motion be allowed.

Plaintiff filed an objection to the Report and

Recommendation on December 21, 2012. This two-page objection, however, failed to address any of Judge Neiman's substantive reasoning. Instead, Plaintiff objected to the referral of the motion to Judge Neiman and sought relief under Fed. R. Civ. P. 60(b)(1) and (b)(6). The referral was proper, and neither of the provisions of the Civil Rules noted by Plaintiff has any applicability to this dispute.

Based on the failure of Plaintiff to offer any substantive opposition to Judge Neiman's Report and Recommendation, and upon the clear merits of Judge Neiman's analysis, this court, upon de novo review, hereby ADOPTS the Report and Recommendation (Dkt. No. 23). Based upon this, the court hereby ALLOWS Defendant's Motion to Dismiss (Dkt. No. 9). This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge